



Legislation Text

File #: 24-2076, **Version:** 1

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: AWARD and AUTHORIZE Job Order Contract to Mark Scott Construction, Inc. for Repair, Remodeling, and other Repetitive Work (W4011C)

Recommendation of the County Administrator Recommendation of Board Committee

RECOMMENDATIONS:

- (1) APPROVE contract General Conditions, Technical Specifications, and Construction Task Catalog for Job Order Contract 027.

- (2) DETERMINE that Mark Scott Construction, Inc., submitted one of the three lowest responsive and responsible bids for the award of job order contracts.

- (3) AWARD a job order construction contract for repair, remodeling, and other repetitive work to be performed pursuant to the Construction Task Catalog to Mark Scott Construction, Inc., in the amount of \$3,000,000, for a term of one year (commences ninety (90) days after contract execution or upon first Notice to Proceed, whichever comes first for each contract), and DIRECT that the Public Works Director, or designee, prepare the contracts.

- (4) DIRECT that Mark Scott Construction, Inc., shall submit two good and sufficient security bonds (performance and payment bonds) in the amount of \$3,000,000.

- (5) ORDER that, after Mark Scott Construction, Inc. has signed the job order contract and returned it, together with the bonds, evidence of insurance, and other required documents, and the Public Works Director has reviewed and found them to be sufficient, the Public Works Director, or designee, is authorized to sign the contract for the Board.

- (6) ORDER that, upon signature of the job order contract by the Public Works Director, or designee, any bid bonds posted by such bidder are to be exonerated and any checks or cash submitted for security shall be returned.

- (7) AUTHORIZE the Public Works Director, or designee, to sign any escrow agreements prepared for this project to permit the direct payment of retentions into escrow or the substitution of securities for monies

withheld by the County to ensure performance under the contracts, pursuant to Public Contract Code Section 22300.

- (8) AUTHORIZE the Public Works Director, or designee, to order changes or additions to the work pursuant to Public Contract Code Section 20142.

- (9) DELEGATE, pursuant to Public Contract Code Section 4114, to the Public Works Director, or designee, the Board's functions under Public Contract Code Section 4107 and 4110.

FISCAL IMPACT:

Job orders under the job order contracts will only be issued when there is an approved project and funding. The contract value can range from a minimum of \$25,000 to a maximum of \$3,000,000.

BACKGROUND:

In order to be efficient in delivering projects, the County needs to employ a variety of project delivery methods. One such method is Public Contract Code Section 20128.5, which authorizes counties to award one or more individual annual contracts for repair, remodeling, or repetitive work to be done according to unit prices. Once an annual contract is awarded, individual projects are then done through written job orders performed by the job order contractor at the unit prices bid for the annual contract. Such job order contracting (JOC) is a project delivery tool that has been proven to reduce costs, save time, and increase productivity.

The JOC Program has been a valuable construction project delivery tool for the term of the JOC contracts. As the expiration date and maximum contract amounts have or are reached for the existing job order contracts, other projects are still eligible to be accomplished under the JOC program. On April 9, 2024, the Board of Supervisors authorized the Public Works Director, or designee, to solicit for job order contracts for repair, remodeling, and other repetitive work, and bring to the Board recommendations to award up to four contracts. Bids were invited by the Public Works Director, and on May 22, 2024, the Public Works Director received 3 bids for the job order contracts. The scope of work performed under the job order contracts will be determined by individual job orders using the Construction Task Catalog. The three lowest responsive bidders are being recommended for contract award. The contracts are being awarded based on the lowest Award Criteria Figure (ACF) that is calculated by each bidder using the award criteria figure formula percentages required by each job order using adjustment factors called out in the bidding documents. Bid documents for Job Order Contracts 025, 026, 027 & 028, including construction task catalog and construction specifications for typical work, were prepared for the Public Works Department by the County's job order contracting consultant, The Gordian Group, Inc. The general prevailing wage rates are on file with the Clerk of the Board of Supervisors and will be the minimum rates paid on the projects covered by the annual Job Order Contracts. Three (3) bids for Job Order Contracts 025, 026, 027 were received and opened by the Public Works Department on May 22, 2024 and the bid results are as follows:

BIDDER	AWARD CRITERIA
MVP Construction, LLC.	1.1390
Aztec Consultants, Inc.	1.1438
Mark Scott Construction, Inc.	1.1470

Staff has determined that the three lowest bids received from MVP Construction, LLC.; Aztec Consultants, Inc.; and Mark Scott Construction, Inc. are responsive. The Public Works Director recommends the Board award the job order contract for this project to Mark Scott Construction, Inc. (JOC 027) for job order contracts in amounts not less than \$25,000 nor more than \$3,000,000.

California Environmental Quality Act (CEQA) requirements will be determined and addressed on a project-by-project basis as projects occur. Each of the job order contractors will perform outreach required under the County's Outreach Program for the work to be performed under each job order in excess of \$175,000.

CONSEQUENCE OF NEGATIVE ACTION:

If these JOC contracts are not awarded, the County will not have sufficient resources to complete many of the County capital improvement construction projects involving repair, remodeling, and other repetitive work that Public Works is tasked with completing.

